

ALLMTN,STAYED

**U.S. District Court
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:11-cv-02544-MSK-KLM**

Evans v. Central Intelligence Agency
Assigned to: Chief Judge Marcia S. Krieger
Referred to: Magistrate Judge Kristen L. Mix
Cause: 05:552 Freedom of Information Act

Date Filed: 09/28/2011
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Kevin D. Evans**

represented by **Kevin D. Evans**
Steese, Evans & Frankel, PC—Denver
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ATTORNEY TO BE NOTICED

V.

Defendant**Central Intelligence Agency**

represented by **Marcia Berman**
U.S. Department of Justice—DC—Federal Programs
20 Massachusetts Avenue N.W.
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/28/2011	<u>1</u>	COMPLAINT Pursuant to Freedom of Information Act against Central Intelligence Agency (Filing fee \$ 350, Receipt Number 41713) Summons Issued, filed by Kevin D. Evans. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Civil Cover Sheet, # <u>6</u> Receipt)(lygsl,) (Entered: 09/29/2011)
10/05/2011	<u>2</u>	ORDER OF REFERENCE TO MAGISTRATE JUDGE: REFERRING CASE to Magistrate Judge Kristen L. Mix by Judge Marcia S. Krieger on 10/5/11. (msksec,) Modified on 10/6/2011 to correct text name to Article III Judge (wjc,). (Entered: 10/05/2011)
10/06/2011	3	Docket Annotation re: <u>2</u> Order Referring Case to Magistrate Judge. Modified on 10/6/2011 to correct text name to Article III Judge. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED. (wjc,) (Entered: 10/06/2011)
10/06/2011	<u>4</u>	ORDER Setting Scheduling Conference for 1/26/2012 at 10:30 AM in Courtroom C204 before Magistrate Judge Kristen L. Mix, by Magistrate Judge Kristen L. Mix on 10/06/2011. (Attachments: # <u>1</u> Attachment 1, # <u>2</u> Attachment 2, # <u>3</u> Attachment 3)(wjc,) (Entered: 10/06/2011)
10/06/2011	<u>5</u>	ORDER REGARDING CUSTODY OF EXHIBITS AND DEPOSITIONS USED IN EVIDENTIARY HEARINGS AND TRIALS: Any exhibits and depositions used during evidentiary hearings or trials, counsel for the parties shall retrieve the originals of such exhibits and depositions from the Court following the evidentiary hearing or trial, and shall retain same for 60 days beyond the later of the time to appeal or conclusion of any appellate proceedings. The Court will retain its copy of

		the exhibits for the same time period after which the documents will be destroyed. by Judge Marcia S. Krieger on 10/6/11. (mskcd) (Entered: 10/06/2011)
10/18/2011	<u>6</u>	CERTIFICATE OF SERVICE by Plaintiff Kevin D. Evans (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Evans, Kevin) (Entered: 10/18/2011)
10/19/2011	<u>7</u>	CERTIFICATE OF SERVICE by Plaintiff Kevin D. Evans (Evans, Kevin) (Entered: 10/19/2011)
10/26/2011	<u>8</u>	NOTICE of Entry of Appearance by Marcia Berman on behalf of Central Intelligence Agency (Berman, Marcia) (Entered: 10/26/2011)
10/26/2011	<u>9</u>	MOTION to Stay <i>Proceedings</i> by Defendant Central Intelligence Agency. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Berman, Marcia) (Entered: 10/26/2011)
10/28/2011	<u>10</u>	RESPONSE to <u>9</u> MOTION to Stay <i>Proceedings</i> , <i>In Opposition to</i> , filed by Plaintiff Kevin D. Evans. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Evans, Kevin) (Entered: 10/28/2011)
11/03/2011	<u>11</u>	ANSWER to <u>1</u> Complaint, by Central Intelligence Agency.(Berman, Marcia) (Entered: 11/03/2011)
11/30/2011	<u>12</u>	ORDER granting <u>9</u> Motion to Stay Proceedings. This action is stayed for 30 days after a final judgment is entered in <i>Judicial Watch v. Dept. of Defense</i> , Civil Action No. 11-890- (JEB) (D.D.C.) by Judge Marcia S. Krieger on 11/30/11. Text Only Entry(msksec,) (Entered: 11/30/2011)
12/29/2011	<u>13</u>	MOTION for Leave to File Amended <u>1</u> Complaint Pursuant to Freedom of Information Act by Plaintiff Kevin D. Evans. (Attachments: # <u>1</u> Exhibit A – Amended Complaint, # <u>2</u> Proposed Order (PDF Only))(Evans, Kevin) Modified on 12/30/2011 to create linkage (wjc,). (Entered: 12/29/2011)
12/30/2011	<u>14</u>	MEMORANDUM regarding <u>13</u> MOTION for Leave to <i>File Amended Complaint Pursuant to Freedom of Information Act</i> filed by Kevin D. Evans. Motions referred to Magistrate Judge Kristen L. Mix by Judge Marcia S. Krieger on 12/30/11. Text Only Entry (msksec,) (Entered: 12/30/2011)
01/10/2012	<u>15</u>	RESPONSE to <u>13</u> MOTION for Leave to <i>File Amended Complaint Pursuant to Freedom of Information Act</i> filed by Defendant Central Intelligence Agency. (Berman, Marcia) (Entered: 01/10/2012)
01/19/2012	<u>16</u>	MINUTE ORDER denying without prejudice <u>13</u> Plaintiff's Opposed Motion for Leave to File Amended Complaint Pursuant to Freedom of Information Act. The Scheduling Conference set for 01/26/2012 at 10:30 AM is VACATED, by Magistrate Judge Kristen L. Mix on 01/19/2012.(wjc,) (Entered: 01/19/2012)
05/02/2012	<u>17</u>	STATUS REPORT by Defendant Central Intelligence Agency. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Berman, Marcia) (Entered: 05/02/2012)
05/02/2012	<u>18</u>	RESPONSE to <u>17</u> Status Report by Plaintiff Kevin D. Evans. (Attachments: # <u>1</u> Exhibit)(Evans, Kevin) (Entered: 05/02/2012)
05/31/2012	<u>19</u>	MOTION for Leave to <i>File Amended Complaint Pursuant to Freedom of Information Act to 1</i> Complaint, by Plaintiff Kevin D. Evans. (Attachments: # <u>1</u> Exhibit A – Amended Complaint with Exhibits, # <u>2</u> Exhibit B– Judicial Watch Order)(Evans, Kevin) (Entered: 05/31/2012)
06/04/2012	<u>20</u>	MEMORANDUM regarding <u>19</u> MOTION for Leave to <i>File Amended Complaint Pursuant to Freedom of Information Act to 1</i> Complaint, filed by Kevin D. Evans. Motions referred to Magistrate Judge Kristen L. Mix by Judge Marcia S. Krieger on 6/4/12. Text Only Entry (msksec,) (Entered: 06/04/2012)
06/22/2012	<u>21</u>	NOTICE of Failure by Defendant to Respond to Plaintiff's Opposed Motion for Leave to File Amended Complaint Pursuant to Freedom of Information Act by Plaintiff Kevin D. Evans (Evans, Kevin) (Entered: 06/22/2012)

07/11/2012	<u>22</u>	VACATED – MINUTE ORDER denying without prejudice <u>19</u> Motion for Leave to File Amended Complaint Pursuant to Freedom of Information Act. By Magistrate Judge Kristen L. Mix on 7/11/12.(mjgsl,) Modified on 4/25/2013 to vacate pursuant to Order dated 4/24/2013 (klyon,). (Entered: 07/11/2012)
07/11/2012	<u>23</u>	OBJECTION/Appeal of Magistrate Judge Decision to District Court re <u>22</u> Order on Motion for Leave by Plaintiff Kevin D. Evans. (Evans, Kevin) (Entered: 07/11/2012)
07/17/2012	<u>24</u>	RESPONSE to <u>23</u> OBJECTION/Appeal of Magistrate Judge Decision to District Court re <u>22</u> Order on Motion for Leave by Plaintiff Kevin D. Evans. by Defendant Central Intelligence Agency. (Berman, Marcia) (Entered: 07/17/2012)
07/17/2012	<u>25</u>	REPLY to Response to <u>23</u> Objection/Appeal of Magistrate Judge Decision to District Court filed by Plaintiff Kevin D. Evans. (Attachments: # <u>1</u> Exhibit 1)(Evans, Kevin) (Entered: 07/17/2012)
09/10/2012	<u>26</u>	SUPPLEMENT/AMENDMENT to <u>23</u> OBJECTION/Appeal of Magistrate Judge Decision to District Court re <u>22</u> Order on Motion for Leave by Plaintiff Kevin D. Evans. by Plaintiff Kevin D. Evans. (Evans, Kevin) (Entered: 09/10/2012)
09/11/2012	<u>27</u>	RESPONSE to <u>26</u> Supplement/Amendment to <i>Objection to Magistrate Judge's Order Denying Leave to File Amended Complaint</i> by Defendant Central Intelligence Agency. (Berman, Marcia) (Entered: 09/11/2012)
04/24/2013	<u>28</u>	OPINION AND ORDER SUSTAINING PLAINTIFF'S OBJECTION TO THE MAGISTRATE JUDGE'S ORDER AND SUA SPONTE REINSTATING THE STAY. Mr. Evans's Objection to Magistrate Judges Order Denying Plaintiff's Opposed Motion for Leave to File Amended Complaint Pursuant to Freedom of Information Act without Prejudice (# <u>23</u>) is SUSTAINED, and the 7/11/2011 Minute Order (# <u>22</u>) by the Magistrate Judge is VACATED. Mr. Evans's Opposed Motion for Leave to File Amended Complaint Pursuant to Freedom of Information Act (# <u>19</u>) is DENIED, without prejudice to refiling once the stay has been lifted. The case remains stayed until 30 days after a final resolution of all appeals of Judicial Watch v. Dept. of Defense, Civil Action No. 11–890 (JEB) (D.C.C.). By Chief Judge Marcia S. Krieger on 4/24/2013.(klyon,) (Entered: 04/25/2013)